

MINUTES OF THE CANANDAIGUA CITY  
COUNCIL MEETING  
THURSDAY, NOVEMBER 3, 2016 7:00 P.M.  
City Council Chambers  
City Website: canandaiguanewyork.gov

Mayor Polimeni called the meeting to order at 7:00 PM

**Pledge of Allegiance:**

**Roll Call:**

**Members Present:** Councilmember Ward 1 Nick Cutri  
Councilmember Ward 3 Karen White  
Councilmember Ward 4 Cindy Wade  
Councilmember-at-Large Matt Martin  
Councilmember-at-Large Robert O'Brien  
Councilmember-at-Large James Terwilliger  
Councilmember-at-Large David Whitcomb  
Mayor Ellen Polimeni

**Members Absent:** Councilmember Ward 2 Anita Twitchell (Arrived at 7:33 PM)

**Also Present:** City Manager Ted Andrzejewski  
Corporation Counsel Michele O. Smith  
City Clerk-Treasurer Nancy C. Abdallah  
Assistant City Manager John D. Goodwin

**Public Hearings:**

**Local Law 2016-001:** Authorizing a Property Tax Levy in Excess of the Limit Established in General Municipal Law §3-C

Mayor Polimeni opened the public hearing at 7:01 PM

- Tim Kelly, Gibson St. Canandaigua, questioned whether we were spending more money or taking in less revenues? City Manager Ted Andrzejewski summarized the proposed budget and the issues facing the City. Mayor Polimeni invited Tim and all residents to attend the budget workshops held in November.
- Joe Nacca, Chapel St. Canandaigua, talked about how 35% of the property in the City is tax exempt which means the remaining 65% has to carry the tax burden. We need to eliminate tax exemptions and encourages everyone to work with legislators to change this. The City should also fight to have the authority to veto PILOT's.

Mayor Polimeni closed the public hearing at 7:21 PM

**Review of Community Core Values:** Councilmember Ward 3 White read the Community Core Values: As residents, city staff and appointed & elected officials of the City of Canandaigua, our decisions and actions will be guided by these core values: Responsive, Participatory Governance; Caring & Respect; Integrity; Heritage; Stewardship; and Continuous Improvement.

### **Approval of Minutes:**

Councilmember-at-Large Terwilliger moved for the approval of the Council Minutes of October 6, 2016. Councilmember-at-Large Whitcomb seconded the motion.

*Vote Result: Carried unanimously by voice vote. (9-0)*

### **Recognition of Guests:**

- Elijah Ross and Jared Bjorling attended the Council meeting for their boy scout merit badge.
- Joe Nacca, Chapel St. Canandaigua, raised concerns over the Pinnacle North Project. This project when it was first presented to Council included 77,500 sq. ft. of retail space. After 4 months it was reduced to 70,000 sq. ft. of retail space and the current proposal reduces it further to 14,000 sq. ft. How is that a “slight” reduction? What is the minimum amount that will be acceptable to the Council? Is anyone working with the Developer to guide the nature of the retail to be placed in the project? Corporation Counsel Michele O. Smith replied that this is only an 8,000 sq. ft. reduction from the final plan as originally submitted. Mayor Polimeni and other Council members provided answers to the questions.

### **Committee Reports:**

**Planning/Development Committee:** Budget Meeting:

**Environmental/Parks Committee:** Met on October 11<sup>th</sup> and discussed the following:

***SEE COMMITTEE NOTES - APPENDIX A***

- Eagle Scout Project – Kayak Rack
- Pesticide Moratorium Exemption – Lagoon Park Ecological Restoration Project
- Economic Development RFP

**Ordinance Committee:** Met on October 18<sup>th</sup> and discussed the following.

***SEE COMMITTEE NOTES – APPENDIX B***

- Amendment to Zoning Code to Remove Temporary, Renewable Special Use Permits
- Add a Permitted Use to C-1 Restricted Commercial District

**Finance/Budget Committee:** Met on October 25<sup>th</sup> and discussed the following:

***SEE COMMITTEE NOTES – APPENDIX C***

- Community Showcase Video Program – National League of Cities/CGI Communications
- Dog Park – Purchase of 97 Buffalo Street
- Water Treatment Plan and Wastewater Treatment Plant HVAC Upgrades Design
- Wastewater Treatment Plant Bar Screen and Grit Classifier Replacement
- City Hall Building System Upgrades
- Amendment to Chapter 545 Poles and Wires
- Sales Tax Proposal

**Charter Review Committee:** Met on October 12<sup>th</sup> and October 27<sup>th</sup>

***SEE COMMITTEE NOTES – APPENDIX D***

**Planned Unit Development (PUD) Committee:** Met on October 20<sup>th</sup> and discussed the following:

***SEE COMMITTEE NOTES – APPENDIX E***

- Pinnacle North: Consistency Analysis
- Lisk Property – 243 Gorham Street

**Resolutions:**

**Resolution #2016-072:**

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AUTHORIZING THE PURCHASE OF 97 BUFFALO STREET**

**WHEREAS**, the City has been working with the Canandaigua Canine Campus for the last several years to develop a dog park within the City and has been investigating 97 Buffalo Street for such purpose; and

**WHEREAS**, the current property owner of 97 Buffalo Street has agreed to sell the land to the City at a sale price of \$3,000 provided the City also cover the costs of any legal fees, transfer fees, survey and title search; and

**WHEREAS**, the Finance/Budget Committee, at its October 25, 2016 meeting, reviewed and approved the purchase of the property;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that the City Council hereby agrees to purchase the land and any improvements located at 97 Buffalo Street, located in the City of Canandaigua, County of Ontario, State of New York under the following conditions:

1) After review of the Abstract of Title it is determined that the City can obtain clear and marketable title to the property; and

**BE IT FURTHER RESOLVED** that the City Council of the City of Canandaigua hereby appropriates \$5,000 from the Contingency budget for the purposes of purchase of 97 Buffalo Street and associated legal fees, transfer fees, survey and title search and hereby authorizes that said funds be transferred to the appropriate budget account, as determined by the City Clerk/Treasurer; and

**BE IT FURTHER RESOLVED** that the City Manager is hereby authorized to execute and deliver all necessary transfer documentation and affidavits customarily delivered in relation to a real estate transfer, to be recorded in the Ontario County Clerk's Office.

*The motion CARRIED UNANIMOUSLY on the following vote:*

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None.*

**Resolution #2016-073:**

Moved: Councilmember Ward 2 Twitchell

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AWARDING A CONTRACT TO VILLAGER CONSTRUCTION, INC. FOR THE INSTALLATION OF A NEW CENTER FLOW FINE SCREEN AND GRIT CLASSIFIER AT THE WASTE WATER TREATMENT PLANT.**

**WHEREAS**, the City of Canandaigua Department of Public Works has advertised for bids for providing and installing a new center flow fine screen and a new grit classifier at the waste water treatment plant, and

**WHEREAS**, three potential bidders acquired plans, specifications and contract documents for the project, and

**WHEREAS**, two bids were received for the project, with the bid from Villager Construction, Inc., 425 Old Macedon Center road, Fairport, New York 14450, in the amount of Three Hundred Eighteen Thousand and Six Hundred Forty Five Dollars (\$318,645.00) for the fine screen and Forty Seven Thousand Dollars (\$47,000.00) for the grit classifier being the lowest total bid in the amount of Three Hundred Sixty Five Thousand and Six Hundred Forty Five Dollars (\$365,645.00); and

**WHEREAS**, funding for this project is available in the 2016 City of Canandaigua Waste Water Treatment Facility Capital Budget;

**NOW, THEREFORE, BE IT RESOLVED** that the Canandaigua City Council hereby authorizes the City Manager to execute a contract with Villager Construction, Inc., 425 Old Macedon Center road, Fairport, New York 14450, to provide and install one new center flow fine screen and a new grit classifier, in the amount not to exceed Three Hundred Sixty Five Thousand and Six Hundred Forty Five Dollars (\$365,645.00).

*The motion CARRIED UNANIMOUSLY on the following vote:*

***AYES:** Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

***NOES:** None.*

**Resolution #2016-074:**

Moved: Councilmember Ward 3 White

Seconded: Councilmember Ward 1 Cutri

**A RESOLUTION AWARDING A CONTRACT TO LANDRY MECHANICAL CONTRACTORS FOR THE CITY HALL BUILDING SYSTEMS UPGRADES PROJECT, CONTRACT 2, PLUMBING.**

**WHEREAS**, the City of Canandaigua Department of Public Works has advertised for bids for the construction of upgrades to the heating, ventilation and air conditioning systems in City Hall, and

**WHEREAS**, only one bid was received for contract 2, plumbing, of the project, with the bid being submitted by Landry Mechanical Contractors, 164 Flint Hill Road, LeRoy, New York 14482, in the amount of Twenty One Thousand and One Hundred Dollars (\$21,100.00); and

**WHEREAS**, Landry Mechanical Contractors was the low bidder for contract 1, HVAC, for this project and is therefore logically the low bidder for the minor amount of ancillary plumbing called for in the project; and

**WHEREAS**, funding for this project is available in the 2016 City of Canandaigua capital budget and the total of all contracts bid for this project is below the budgeted amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Canandaigua City Council hereby authorizes the City Manager to execute a contract with Landry Mechanical Contractors, 164 Flint Hill Road, LeRoy, New York 14482, to complete the scope of work for this project included in contract 2, Plumbing, in the amount not to exceed Twenty One Thousand and One Hundred Dollars (\$21,100.00).

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

**Resolution #2016-75:**

Moved: Councilmember-at-Large Martin

Seconded: Councilmember-at-Large O'Brien

**A RESOLUTION AWARDING A CONTRACT TO HEWITT YOUNG ELECTRIC, LLC, FOR  
THE CITY HALL BUILDING SYSTEMS UPGRADES PROJECT,  
CONTRACT 3, ELECTRICAL.**

**WHEREAS**, the City of Canandaigua Department of Public Works has advertised for bids for the construction of upgrades to the heating, ventilation and air conditioning systems in City Hall, and

**WHEREAS**, only one bid was received for contract 3, electrical, of the project, with the bid being submitted by Hewitt Young Electric, LLC, 645 Maple Street, Rochester, New York 14611, in the amount of One Hundred Forty Seven Thousand and Three Hundred Fifty Dollars (\$147,350.00) for the base bid and Ninety Eight Thousand Dollars (\$98,000.00) for the portable generator alternate item, for a total of Two Hundred Forty Five Thousand and Three Hundred Fifty Dollars (\$245,350.00); and

**WHEREAS**, time is of the essence for proceeding with this project due to the continued failure of additional heat pump units in City Hall. and a robust group of bids was received for the primary contract for the project, contract 1, HVAC; and

**WHEREAS**, funding for this project is available in the 2016 City of Canandaigua capital budget and the total of all contracts bid for this project is below the budgeted amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Canandaigua City Council hereby authorizes the City Manager to execute a contract with Hewitt Young Electric, LLC, 645 Maple Street, Rochester, New York 14611, to complete the scope of work for this project included in contract 3, Electrical, in the amount not to exceed Two Hundred Forty Five Thousand and Three Hundred Fifty Dollars (\$245,350.00).

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

**Resolution #2016-76:**

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember Ward 4 Wade

**A RESOLUTION AWARDING A CONTRACT TO LANDRY MECHANICAL CONTRACTORS FOR THE CITY HALL BUILDING SYSTEMS UPGRADES PROJECT, CONTRACT 1, HVAC.**

**WHEREAS**, the City of Canandaigua Department of Public Works has advertised for bids for the construction of upgrades to the heating, ventilation and air conditioning systems in City Hall, and

**WHEREAS**, four bids were received for contract 1, HVAC, of the project, with the low bid being submitted by Landry Mechanical Contractors, 164 Flint Hill Road, LeRoy, New York 14482, in the amount of Four Hundred Fifty Nine Thousand and Five Hundred Dollars (\$459,500.00); and

**WHEREAS**, funding for this project is available in the 2016 City of Canandaigua capital budget and the total of all contracts bid for this project is below the budgeted amount;

**NOW, THEREFORE, BE IT RESOLVED** that the Canandaigua City Council hereby authorizes the City Manager to execute a contract with Landry Mechanical Contractors, 164 Flint Hill Road, LeRoy, New York 14482, to complete the scope of work for this project included in contract 1, HVAC, in the amount not to exceed Four Hundred Fifty Nine Thousand and Five Hundred Dollars (\$459,500.00).

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

**Resolution #2016-77:**

Moved: Councilmember Ward 1 Cutri

Seconded: Councilmember-at-Large Whitcomb

**A RESOLUTION AMENDING THE MORATORIUM ON THE USE OF PESTICIDES IN LAGOON PARK**

**WHEREAS**, the City Council adopted the Turf and Landscape Management Policy at its May 6, 2010 via Resolution #2010-037; and

**WHEREAS**, by Resolution 2016-037 the City Council placed a 5-year moratorium on the use of pesticides on City property; and

**WHEREAS**, the Environmental/Parks Committee, at its meetings on October 11, 2016 reviewed a proposal to exempt the Lagoon Park Restoration Project from this moratorium;

**NOW, THEREFORE, BE IT RESOLVED**, by the Canandaigua City Council that the City of Canandaigua hereby amends the City of Canandaigua Turf and Landscape Management Policy, attached hereto, by exempting the Lagoon Park Restoration Project from the moratorium so that invasive species may be eradicated.

*Discussion: Councilmember Ward 3 White is a strong advocate against chemicals. We need to look for more long term solutions for our parks. Councilmember Ward 2 Twitchell is not in favor of breaking our 5 year moratorium and she would like them to spend another year not using pesticides. Councilmember Ward 1 Cutri read the exemption from the current policy and indicated that this is a special instance, as stated in the policy, that needs our consideration. Councilmember-at-Large Whitcomb supports this resolution because of the special circumstances. Everyone they have heard from stated that we need an integrated approach to save this park. Joel Freedman stated that not all alternative methods have been tried and buckthorn does not present an "emergency" situation as required by the policy. There are organizations that can be consulted to help without the use of pesticides.*

*The motion CARRIED on the following vote:*

*AYES: Council Member Ward 1 Cutri, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: Council Member Ward 2 Twitchell, Councilmember Ward 3 White*

### **Resolution #2016-78:**

Moved: Councilmember-at-Large Whitcomb

Seconded: Councilmember Ward 1 Cutri

### **A RESOLUTION SETTING THE TIME AND PLACE OF A PUBLIC HEARING ON AMENDMENT TO THE ZONING ORDINANCE**

**WHEREAS**, Section 850-39 of the City of Canandaigua Municipal Code requires a public hearing on an amendment to the City's Zoning Ordinance, Chapter 850;

**NOW, THEREFORE BE IT RESOLVED** by the City Council of the City of Canandaigua that a public hearing regarding the proposed zoning ordinance amendments to remove renewable special use permits, to include "bicycle shops" to the list of permitted uses in the "C-1", Restricted Commercial zone district and to place a maximum height of utility poles be held during the City Council Meeting held at 7:00 p.m. on November 17, 2016 in the City Council Chambers, City Hall, 2 North Main Street, Canandaigua, New York; and

**BE IT FURTHER RESOLVED** that the Zoning Officer shall cause a copy of the proposed Ordinance #2016-012, Ordinance #2016-013 and Ordinance #2016-014 to be forwarded to the Ontario

County Planning Commission in accordance with General Municipal Law Section 239-M and with the City Planning Commission in accordance with City Code Section 850-8(B); and

**BE IT FURTHER RESOLVED** that the City Clerk shall cause notice to be given and published as required by law.

*Vote Result: Carried unanimously by voice vote. (9-0)*

**Resolution #2016-79:**

Moved: Councilmember Ward 2 Twitchell

Seconded: Councilmember Ward 3 White

**A RESOLUTION DETERMINING THAT THE  
PROPOSED PRELIMINARY SITE PLAN FOR PHASE II OF  
THE NORTH SHORE CANANDAIGUA PLANNED UNIT DEVELOPMENT IS  
CONSISTENT WITH THE  
APPROVED AMENDED SKETCH PLAN**

**WHEREAS**, on December 17, 2009 the City Council passed Resolution #2009-181, which determined that The Canandaigua Lakefront Redevelopment Project is appropriate for the area, met the stated intention and objectives of the of the PUD Ordinance and designated the Project area as a PUD Zone on the City of Canandaigua Map; and

**WHEREAS**, Resolution #2009-181 also approved The Canandaigua Lakefront Redevelopment Project's sketch plan (termed "Alternative G"), subject to certain stated conditions; and

**WHEREAS**, on August 1, 2013 the City Council passed Resolution #2013-064, which approved proposed revisions and amendments to the sketch plan for the Canandaigua Lakefront Redevelopment Project (now called *The North Shore Canandaigua Planned Unit Development* and referred to herein as "the Project"), and authorized certain revisions to Alternative G (now identified as the "Amended Sketch Plan"); and

**WHEREAS**, Morgan-Lechase Development, LLC ("Developer") has submitted an application for Preliminary Site Plan approval for Phase II of the Project's development, and such application included a proposed Consistency Analysis for changes to the approved Amended Sketch Plan; and

**WHEREAS**, the City Planning Commission reviewed such application at its regular meeting on August 9, 2016 but had concerns with respect to whether or not the proposed changes were consistent with the Amended Sketch Plan; and

**WHEREAS**, the Planning Commission requested that City Council and its Planned Unit Development Committee review the proposed Phase II Preliminary Plan for its consistency with the Amended Sketch Plan, in accordance with City of Canandaigua Code §850-125(B); and

**WHEREAS**, the City's Planned Unit Development Committee compared the proposed Phase II preliminary site plan with the Amended Sketch Plan at its meeting on August 25, 2016 and felt that insufficient information was provided for an analysis; and

**WHEREAS**, the City's Planned Unit Development Committee at its meeting on October 20, 2016

compared a new, proposed, and revised Pinnacle North Phase I/II preliminary site plan (dated Oct. 20, 2016) with the Amended Sketch Plan and determined said plan to be consistent with the approved Amended Sketch Plan; that the previous PUD designation is appropriate for the Project, and that the Project and the Amended Sketch Plan will not result in any new or greater significant environmental impacts than those identified during the SEQRA process;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua:

1. The proposed Pinnacle North Phase I/II preliminary site plan (dated Oct. 20, 2016), as related to the proposed partial use of the first floor of the buildings as residential, as set forth in the revised plan, is consistent with the Amended Sketch Plan.
2. This Resolution is a determination of the Canandaigua City Council in accordance with Municipal Code §850-125(B).
3. The matter is referred to the City Planning Commission for its final determination.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

#### **Resolution #2016-80:**

Moved: Councilmember Ward 4 Wade

Seconded: Councilmember Ward 3 White

#### **A RESOLUTION AUTHORIZING THE CREATION OF A PART-TIME POLICE OFFICER POSITION**

**WHEREAS**, a current Part-Time Police Officer that serves as a School Resource Officer is planning to retire this year; and

**WHEREAS**, the City of Canandaigua and the Canandaigua City School District desire to have a brief overlap of the retiring officer and his replacement which necessitates the addition of a part-time Police Officer position to be in compliance with Civil Service rules and regulations; and

**WHEREAS**, the addition of a part-time Police Officer position will be budget natural;

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Canandaigua hereby authorizes the creation of an additional part-time Police Officer position.

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

#### **Resolution #2016-81:**

Moved: Councilmember-at-Large O'Brien

Seconded: Councilmember Ward 3 White

**A RESOLUTION SETTING THE TIME AND  
PLACE OF A PUBLIC HEARING ON THE  
CITY OF CANANDAIGUA'S PROPOSED 2017 CITY BUDGET**

**WHEREAS**, Section 14.6 of the Canandaigua City Charter requires that a public hearing be held at least two weeks prior to adoption of the annual budget; and

**WHEREAS**, the City Manager has prepared and distributed the proposed 2017 annual budget to the members of the City Council;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Canandaigua that a public hearing pursuant to Chapter 14.6 of the Canandaigua City Charter shall be held in the City Council Chambers, City Hall, Two North Main Street, Canandaigua, New York at 7:00 p.m. on November 17, 2016; and

**BE IT FURTHER RESOLVED** that the City Clerk shall cause notice to be given as required by Section 14.6 of the Canandaigua City Charter.

*Vote Result: Carried unanimously by voice vote. (9-0)*

**Ordinances:**

**Ordinance #2016-011:** *(Introduced and tabled at the October 6, 2016 meeting)*

**AN ORDINANCE AMENDING CHAPTER 648, VEHICLE AND TRAFFIC, OF THE  
MUNICIPAL CODE  
TO REMOVE STOP INTERSECTIONS**

**Lift from the table:**

Moved: Councilmember-at-Large Whitcomb  
Seconded: Councilmember Ward 1 Cutri

*Vote Result: Carried unanimously by voice vote. (9-0)*

**Vote on Ordinance:**

Moved: Councilmember-at-Large Whitcomb  
Seconded: Councilmember Ward 4 Wade

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

**Ordinance #2016-012:**

Councilmember Ward 1 Cutri read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING  
CHAPTER 850 OF THE MUNICIPAL CODE  
REGARDING RENEWABLE SPECIAL USE PERMITS**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

**Sec. 1** That Chapter 850, section 850-19 of the Municipal Code is hereby amended as follows (deletions stricken, additions in bold and underlined):

§ 850-19.C Powers and Duties [of the City Planning Commission]

~~[6] Special use permits for the following uses shall be issued as temporary, renewable permits, which shall expire two years from the date of approval of the use permit by the Planning Commission: home occupations; social halls, clubs, lodges and fraternal organizations; carry-out restaurants; night clubs; public and semipublic uses; administrative, business and professional offices; boardinghouses, rooming houses or lodging houses; dormitories and fraternity and/or sorority houses; day-care centers; kennels, animal hospitals and pounds; and tourist home/bed and breakfast.~~

~~a] The procedure and standards for renewal of the temporary two-year permits shall be the same as for an initial application for a permit. In addition to meeting standards for obtaining the initial permit, the applicant for permit renewal shall demonstrate that all conditions required under the terms of the previous permit have been complied with. Upon each such renewal, the Planning Commission may amend any conditions or requirements which may have been imposed upon the initial permit or previous renewals, or may impose additional conditions, if it determines, based upon the history of the use, that such amended conditions or requirements are necessary to protect the health, safety, or general welfare of the public.~~

~~[b] Upon the second renewal wherein there have been no substantial modifications to the use and no amendments to the conditions of approval, the special use permit shall be deemed permanent and no further renewals shall be required.~~

**Sec. 2** This ordinance shall be effective thirty (30) days following its enactment.

**Ordinance #2016-013:**

Councilmember-at-Large Martin read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING  
CHAPTER 850 OF THE MUNICIPAL CODE  
TO PERMIT BICYCLE SHOPS IN THE C-1 ZONE DISTRICT**

BE IT ENACTED by the City Council of the City of Canandaigua as follows:

**Sec. 1** That Chapter 850, section 850-39 of the Municipal Code is hereby amended as follows (deletions stricken, additions in bold and underlined):

A. Permitted primary uses:

- (1) Limited retail, service, and office uses in localized commercial areas located adjacent to residential neighborhoods. Such uses include:
- (a) Butcher shops, grocery stores.
  - (b) Professional office uses, including physicians, dentists, chiropractors, optometrists, architects, landscape architects, surveyors, insurance brokers, realtors, accountants, financial advisors, engineers, lawyers, and other recognized professions.
  - (c) Drugstores and medical supply stores, gift shops, florists, newsrooms, and bookstores.
  - (d) Barber- and beauty shops.
  - (e) Clothing, accessory, fabric and jewelry stores.
  - (f) Home improvement stores including sales of hardware, appliances, furniture, paint, wall coverings, window coverings, floor coverings, and cabinetry, but excluding lumberyards and garden supply stores.
  - (g) Dressmakers, tailors, shoe repairs, and similar personal services.
  - (h) Self-service laundries and dry-cleaning establishments.
  - (i) Package liquor stores.
  - (j) Antique shops, art galleries, and art shops including artist supply shops and framing shops.
  - (k) Instructional studios including dancing, music, art, exercise and fitness centers.
  - (l) Studios for artists and photographers.
  - (m) Bicycle shops

**Sec. 2** This ordinance shall be effective thirty (30) days following its enactment.

**Ordinance #2016-014:**

Councilmember Ward 3 White Cutri read the following ordinance and placed it on the table.

**AN ORDINANCE AMENDING CHAPTER 545  
FOR THE ADDITION OF MAXIMUM HEIGHT OF POLES**

**SECTION 1.** § 545-6 “Material for poles and wires; uses restricted” is hereby amended.(new language in **bold** and deletions stricken)

**§ 545-6 Material for poles and wires; uses restricted.**

All poles for **utilities**, telegraph, telephone, and electric ~~lights~~ shall be straight, properly trimmed and painted, shall not be less than 25 feet, **nor more than 50 feet** in height when set and shall be iron, cedar, chestnut or hard pine or other suitable material as may be directed by the Department of Public Works. In no case shall any such pole be braced by guy wires attached to any shade or ornamental tree unless by permission of the Department of Public Works. The pins next to the poles upon all cross arms shall be at least 22 inches apart. Whenever any wires shall cross any street, they shall be at the height of not less than 22 feet above such street, and cross at right angles thereto unless otherwise directed by permission of the Department of Public Works. All wires carrying electric currents must be properly insulated. No wires of any sort shall be attached to any tree in any public street or place in said City, except with the written consent of the Department of Public Works.

**SECTION 2.** This Ordinance shall take effect 30 days after adoption.

## **Local Laws:**

### **LOCAL LAW No. 2016-001** *(Introduced and tabled at the October 6, 2016 meeting)*

#### **Lift from the table:**

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Whitcomb

*Vote Result: Carried unanimously by voice vote. (9-0)*

#### **Vote on Ordinance:**

Moved: Councilmember-at-Large Terwilliger

Seconded: Councilmember-at-Large Whitcomb

*The motion CARRIED UNANIMOUSLY on the following vote:*

*AYES: Council Member Ward 1 Cutri, Council Member Ward 2 Twitchell, Councilmember Ward 3 White, Councilmember Ward 4 Wade, Councilmember-at-Large Martin, Councilmember-at-Large O'Brien, Councilmember-at-Large Terwilliger, Councilmember-at-Large Whitcomb and Mayor Polimeni.*

*NOES: None.*

### **Manager's Report:** City Manager Ted Andrzejewski reported the following:

- All three garbage and recycle trucks broke down this week but working to get on track by the end of the week.
- The 2017 recycling schedule will be in the penny saver.
- Next year the yard waste pickup will be on the week opposite the recycling pickup.
- An Executive session is needed for contract negotiations.
- Attended a Community Policing Conference with Assistant City Manager John Goodwin. This is intended to get policeman out in the Community.
- Attended an Economic Development Sustainability Conference.

### **Miscellaneous:**

- Councilmember Ward 4 Wade questioned the progress of the Steamboat Landing Hotel building. Councilmember-at-Large Martin suggested that the developers should be invited to attend a committee of the whole meeting to provide answers.
- Mayor Polimeni mentioned that Bob Murphy, the original owner of Murphy Tire Service, passed away. Mr. Murphy was a former member of City Council.
- Councilmember-at-Large Martin stated that he received troubling news from the Chamber of Commerce that they chose not to bid on the City's RFP and had requested an executive session to discuss this contract which has not been done.

### **Executive Session:**

Councilmember Ward 2 Twitchell moved to close the regular meeting to go into Executive Session at 9:04 PM to discuss labor negotiations. Councilmember-at-Large Martin seconded the motion.

*Vote Result: Carried unanimously by voice vote (9-0)*

### **Regular Session:**

Councilmember Ward 4 Wade moved to close the executive session and return to the regular meeting at 9:23 PM. Councilmember Ward 3 White seconded the motion.

*Vote Result: Carried unanimously by voice vote (9-0).*

**Adjournment**

Councilmember Ward 4 Wade moved to adjourn the regular session at 9:23 PM. Councilmember Ward 3 White seconded the motion.

*Vote Result: Carried unanimously by voice vote (9-0).*

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Nancy C. Abdallah, Clerk Treasurer  
City of Canandaigua

**APPENDIX A**  
**ENVIRONMENTAL/PARKS**  
**Tuesday, October 11, 2016**  
**7:00 p.m.**  
**Hurley Building Conference Room**

**Committee:** Nick Cutri, Chair; Matt Martin; Anita Twitchell; David Whitcomb

**Other Council Members:** Ellen Polimeni; Jim Terwilliger; Robert O'Brien; Cindy Wade (arrived 7:22)

**Staff:** Ted Andrzejewski; John Goodwin; Michele Smith; Jim Sprague; Kevin Olvany

**1. Eagle Scout Project – Kayak Rack**

A local Boy Scout (Troop 32), Ethan W. Owens, will be at the meeting to request City Council approval to build two kayak racks to be located at Kershaw and Lakefront Parks. Each rack, as proposed, would be wood and hold about six kayaks each, which will allow kayakers to rack their kayaks when not in use to enjoy the other amenities in the park and surrounding area. Attached is Ethan's Eagle Scout Service Project Proposal.

Application is supported by Jim Sprague. Matt Martin offered his construction services, if needed.

Motion to approve made by Anita Twitchell, 2<sup>nd</sup> by Matt Martin. Vote 4-0

**NO ACTION needed**

**2. Pesticide Moratorium Exemption – Lagoon Park Ecological Restoration Project**

On June 2, 2016, City Council adopted a moratorium on the use of pesticides within City Parks. For the last five years the City has been working with the Canandaigua Lake Watershed Council on an ecological restoration project at Lagoon Park to remove invasive species (notably the European Buckthorn) and restore native species. The project requires the periodic use of glyphosate (Roundup) in order to kill any new Buckthorn and other invasive species that emerge. The pesticide moratorium has eliminated the ability to use this tool to properly complete the ecological restoration project. The moratorium permits the use of pesticides in emergency situations "that if not addressed would cause a public safety hazard." The invasive species, although harmful to the park and its eco-system, are not a public safety hazard. Kevin Olvany from the Canandaigua Lake Watershed Council, Jim Engel, owner of White Oak Nursery in Geneva and lead on the project, and representatives from the Botanical Society, help fund the restoration efforts; plan to be in attendance to request an exemption of the pesticide moratorium for the Lagoon Park ecological restoration project.

Kevin Olvany provided a description of the history of the project and actions taken to remove buckthorn and prevent its growth, including the planting of over 1000 plants. However, there are approximately 30% still buckthorn seedlings and saplings that are still invading the park. Failure to prevent this growth will have long-term negative impact. This shows the importance of using an integrated turf management plan to address such issues of ecological restoration management, which is imperative for proper growth of the native species. Requesting Council modify its moratorium for this limited purpose. This proposal supported by the City's Tree Committee, the Botanical Society, FLCC, and Canandaigua Lake Watershed Council

Anita Twitchell asked a series of questions but conceded that she would be willing to amend the moratorium to allow this limited project, for this limited application. However, unhappy that only 4 months into the moratorium an exception is already being requested.

David Whitcomb and Jim Terwilliger asked questions related to what the impact would be if the buckthorn is left unchecked. Answer is a monoculture habitat that can't support the native species.

Matt suggested that moratorium be lifted but Nick Cutri said that it wasn't a proper subject for this meeting.

**APPENDIX A (Continued)**  
**ENVIRONMENTAL/PARKS**  
**Tuesday, October 11, 2016**

David Whitcomb made a motion to amend the moratorium to allow the application of pesticide on this project and this location, with language to be worked out by the staff, 2<sup>nd</sup> by Matt Martin. Vote 4-0  
**RESOLUTION**

**3. Economic Development RFP**

At the October 4, 2016 Planning/Development Committee, the Committee requested that staff prepare a RFP for economic development services for City Council's review at the Environmental/Parks Committee meeting.

General discussion regarding the proposed RFP and the scope of services.

Concerns raised:

- 1) Economic Development Specialist vs. Contractor – does the City really want one dedicated person. Yes, want one person in charge but can use multiple people in organization to provide services.
- 2) Listing or maintaining list of only Canandaigua sites versus Greater Rochester listing. Explained that language is not meant to exclude from other sites but to ensure that on Canandaigua website only Canandaigua is listed.
- 3) Modify retention calls to be a monthly amount rather than a weekly amount.
- 4) Council members Terwilliger, Wade and Martin feel that the scope of work is too restrictive. Need to develop a big picture goal of what ultimately the City wants to accomplish with Economic Development. Should minimize activities and concentrate on the overall goals.

Motion for City Manager to proceed with original RFP from 2 years ago made by David Whitcomb, 2<sup>nd</sup> by Matt Martin. Vote 3-1 (Anita Twitchell opposed)

**NO COUNCIL ACTION NEEDED**

Meeting Adjourned @ 8:50 PM

**APPENDIX B**  
**ORDINANCE COMMITTEE**  
**Tuesday, October 18, 2016**  
**7:00 p.m.**  
**Hurley Building Conference Room**

**Committee:** David Whitcomb, Chair; Nick Cutri; Matt Martin; Karen White (absent)

**Other Council members:** Ellen Polimeni; Robert O'Brien; Anita Twitchell; Cindy Wade; Jim Terwilliger

**Staff:** Ted Andrzejewski; John Goodwin; Michele Smith; Rick Brown

**1. Amendment to Zoning Code to Remove Temporary, Renewable Special Use Permits**

Recently, the City has been approached by Conifer LLC relative to the renewable special use permit that was approved by the Planning Commission in 2014 to refurbish the auditorium at the old Canandaigua Academy. Conifer LLC raised concerns over the temporary nature of the special use permit that must be renewed every two years. The concern is that a significant investment (approximately \$2 million) is planned for the theater and it is difficult to attract funders and lenders to support the effort if there is a term limited special use permit. In reviewing the issue, City staff recommends amending the Zoning Code by removing renewable special use permits. Attached is a proposed ordinance.

Mayor recused herself from discussion as she is on the Conifer Board.

Motion to approve made by Nick Cutri, 2<sup>nd</sup> by Matt Martin. General discussion. Vote 3-0

**Need 1) Ordinance; 2) referral to County and City Planning; and 3) Public Hearing**

**2. Add a Permitted Use to C-1 Restricted Commercial District**

Last year the area located at the south-east corner of the map was rezoned from a C-3 zone to a C-1 Restricted Commercial District as well as an adjacent C-L zone after a request from the owner of 396 Lakeshore Drive. A new perspective owner is interested in purchasing the property and opening a bicycle shop; however, bicycle shops are not permitted in this zone. The perspective owner has requested that City Council rezone C-1 to permit bicycle shops. City staff believes that this request is appropriate.

Motion to approve made by Matt Martin, 2<sup>nd</sup> by Nick Cutri. General discussion. Vote 3-0

**Need 1) Ordinance; 2) referral to County and City Planning; and 3) Public Hearing**

Meeting was adjourned at 7:37 PM

**APPENDIX C**  
**FINANCE/BUDGET COMMITTEE**  
**Tuesday, October 25, 2016**  
**7:00 p.m.**  
**Hurley Building Conference Room**

**Committee:** James Terwilliger, Chair; Robert O'Brien; Karen White; Cindy Wade – (arrived at 7:34)

**Other Council members:** Ellen Polimeni, Matt Martin, David Whitcomb

**Staff:** Ted Andrzejewski; John Goodwin; Michele Smith; Jim Sprague

**1. Community Showcase Video Program – National League of Cities/CGI Communications**

The National League of Cities, through its Community Showcase Video Program administered by CGI Communications, Inc., offers at no cost the production of video features for municipal websites to “showcase the municipality to visitors, communicate with residents and help attract and retain businesses.” Amy Corrine from CGI gave presentation and answered questions. They would provide high definition ariel program on 6 different topics. City gets to pick the topics on which it would like to concentrate plus one Community Organization program. Over 300 people will work on the project from script writing, to video, to editing final product. City has final approval. Program also has tracking options to see who is watching and how they are watching. Tracking can also determine which videos are most watched so they can do new, videos on different topics. Generally, program lasts about 3 years.

Free to City but supported financially by local businesses, technology is supported on a separate website with link with a stated disclaimer. If no businesses sign-on, CGI will still proceed with the program.

No resolution needed but all in attendance supported.

**2. Dog Park – Purchase of 97 Buffalo Street**

At its May 24, 2016 meeting the Finance/Budget Committee authorized the City Manager and Corporation Counsel to negotiate with the owner of 97 Buffalo Street to acquire the property for the potential purpose of developing a dog park on the property. A dog park at this location was previously supported by the Environmental/Parks Committee at its May 10, 2016 meeting. The City Manager and Corporation Counsel negotiated a purchase price of \$3,000 for the property “as is”. The owner has proposed that the City pay for the owner’s legal fees associated with the property transfer (\$650). The total cost to purchase the property, including the filing fees, survey, title search, and the owner’s legal fees, is estimated at \$5,000. In order to complete the property purchase, City Council must appropriate \$5,000 and authorize the purchase. City staff recommends appropriating \$5,000 from contingency (current balance of \$65,618) and authorizing the purchase of the property.

Motion to approve as indicated above made by Robert O'Brien, 2<sup>nd</sup> by Cindy Wade. Vote 4-0  
**RESOLUTION needed.**

**3. Water Treatment Plan and Wastewater Treatment Plant HVAC Upgrades Design**

Last year’s Capital Budget included funds for a multi-facility architectural and engineering assessment of the Water Treatment Plant, Wastewater Treatment Plant, Fire Station 1 and 2, and the Police Station. The goal of this assessment was to provide the City will a general overview of the condition and identify items that need to be addressed to maintain the buildings in proper condition. The recommendations listed in the assessment report have been incorporated into the Capital Plan.

**APPENDIX C (Continued)**  
**FINANCE/BUDGET COMMITTEE**  
**Tuesday, October 25, 2016**

The assessment recommended HVAC upgrades for both the water treatment plant and the wastewater treatment plant. There have been several failures and repairs on the HVAC systems over the past several years and the recommendation is consistent with the Capital Plan and 2016 appropriations. As such, the bids for

engineering services to design the HVAC upgrades were received on September 20, 2016, with the lowest bid received by Hunt Engineers for a total cost of \$24,500. It should be noted that these upgrades will focus on the office, laboratory and personnel spaces in the plant as the operational spaces have been addressed through various upgrades over the life of the plants. City staff recommends that City Council award the bid to design the HVAC upgrades to Hunt Engineers.

Matt Martin indicated that he had provided information regarding a “green product” to replace the existing heat portion of the HVAC systems. It is a radiant floor heating system. Jim Sprague indicated that he took the information to the design engineers and they are not comfortable recommending such a product. Still need to continue with ‘VAC” component.

Committee would like more information on this product. **No action on bid.**

**4. Wastewater Treatment Plant Bar Screen and Grit Classifier Replacement**

The 2016 Wastewater Treatment Plant Capital Budget included the replacement of a bar screen (mechanical filter used to remove large objects, i.e. rags, from wastewater) and grit classifier (separates, dewater and removes settleable inorganic material). Both pieces of equipment are part of the headworks of the plant. Bids were received on October 11, 2016, with the lowest bid received by Villager Construction, Inc. for a total cost of \$365,645 (bar screen \$318,645 and grit classifier \$47,000). City staff recommends that City Council award the bid to Villager Construction Inc.

Motion to approve as indicated above made by Karen White, 2<sup>nd</sup> by Cindy Wade. Vote 4-0  
**RESOLUTION needed.**

**5. City Hall Building System Upgrades**

The project to upgrade the HVAC systems in City Hall has been in the works for several years, but has been delayed for various reasons. By way of background, City Hall has been in need of mechanical, electrical, plumbing and fire protection system improvements. The project entails:

- i. Mechanical System upgrades:
  1. Replacement of all existing console heater/air conditioner units.
  2. Replacement of both boilers
  3. Replacement of the cooling tower
  4. Miscellaneous piping improvements
  5. Miscellaneous controls upgrades to coordinate all new equipment operations
- ii. Electrical System Upgrades:
  1. New emergency generator connection point.
  2. Wiring upgrades and additions throughout the building.
- iii. Life Safety upgrade:
  1. Installation of a new fire alarm system

**APPENDIX C (Continued)**  
**FINANCE/BUDGET COMMITTEE**  
**Tuesday, October 25, 2016**

City Council awarded a contract with M/E Engineering for engineering design services to complete the HVAC, plumbing, fire protection and electrical building systems designs for City Hall (Resolution #2014-079 approved at City Council's October 2, 2014 meeting). The \$1,000,000 bonding authorization for the project was also approved (Resolution #2016-08). The work was separated pursuant to NYS WICKS law into three separate bids: HVAC, Plumbing, and Electrical. Bids for the project were received on October 12, 2016, with the lowest bid received by Landry Mechanical Contractors for the HVAC work for a total cost of \$459,500; Landry Mechanical Contractors for the plumbing work for a total cost of \$21,100 and Hewitt Young Electric, LLC for the electrical work for a total cost of \$147,350. The total project cost of \$627,950 is under budget. City staff recommends awarding all three bids.

Matt Martin raised the same issue as above - that he had provided information regarding a "green product" to replace the existing heat portion of the HVAC systems. It is a radiant floor heating system. Discussion regarding the difference between using that type of system in a new building vs. existing building. Also, the design has already been done on this project and would need to be re-done in order to incorporate this. Third, time sensitive to get HVAC replaced before winter.

Motion to approve contracts as indicated above made by Robert O'Brien, 2<sup>nd</sup> by Cindy Wade. Vote 4-0  
**RESOLUTION needed.**

**6. Amendment to Chapter 545 Poles and Wires**

Currently, all poles for utilities, telephone and electric have a minimum height of 25 feet, but do not have a maximum height. This could allow for the installation of poles in the right-of-way which in most cases would be in direct conflict with underground City infrastructure due to necessary foundations/footings and/or pose public safety issues. As such, a proposed ordinance has been prepared for City Council's consideration which will set a maximum height of such poles at 50 feet. As a frame of reference utility poles are approximately 40 feet high.

Motion to approve as indicated above made by Robert O'Brien, 2<sup>nd</sup> by Cindy Wade. Vote 4-0  
**ORDINANCE needed.**

**7. Sales Tax Proposal**

The City Manager and Corporation Counsel have met with Ontario County and the City of Geneva regarding the sales tax agreement. The current proposal will be presented for the Committee's consideration.

New Sales tax agreement for set term until 2023, then continue indefinitely. Formula will remain the same except the set-asides will be modified as follows:

Each City will receive \$250,000 set aside in 2016

Then for any year after, but no more than 3 times in the next 7 years, if the total county sales tax increases by .5% each city will get an additional \$25,000. (total possible over the next 7 years will cap set-aside at \$325,000)

Motion to approve as indicated above made by Robert O'Brien, 2<sup>nd</sup> by Cindy Wade.  
Straw Vote of all council members 7-0.

Meeting was adjourned at 8:51 PM

**APPENDIX D**  
**CANANDAIGUA CHARTER COMMITTEE REVIEW**  
**Wednesday, October 12, 2016**  
**6:00 p.m.**  
**Hurley Building Conference Room**

**Members Present:** Paul Bringewatt, Chair; John Goodwin, Secretary; Jim Irwin; Bob Palumbo; Jadon Hoffman; David Whitcomb; Matt Martin; Jack Chambers

**Members Absent:** Thomas Lyons, Vice-Chair; Nick Cutri; Karen White

**Advisors Present:** Michele Smith

**Guests:** Nancy Abdallah

**1. Approval of Minutes from September 22, 2016 meeting**

- a. Motion made by Jim Irwin, 2<sup>nd</sup> Bob Palumbo. Approved by 8-0 vote.

**2. Administrative Information**

- a. Michele Smith reported on a question from the previous meeting concerning the meaning of the last three words in §9.5 and 9.10. The sections state that police officers or firefighters “shall be appointed and be subject to suspension and removal in accordance with the provisions of the Civil Service Law of the State of New York, unless otherwise provided.” Michele explained that there are certain incidences and other New York State Laws that could result in suspension or removal. Examples noted were: New York State Public Officers Law (felony conviction), a judge’s ruling, and during probational/provision periods of employment where the employee is at will.
- b. Bob Palumbo asked to clarify how layoffs, such as the firefighters in 2010.
  - i. Michele answered that City Council has the right to authorize the number of positions and that Civil Service law has layoff provisions.

**3. Review of Chapter 14. Budget and Finance**

- a. The Commission discussed City staff’s recommendation to delete the last sentence of §14.7 “No transfer of funds shall be made without previous approval of the City Council” and replacing it with “The transfer of funds shall be made in accordance with the Budget Amendment Policy adopted by resolution of City Council.”
  - i. The Commission asked that a copy of the Budget Amendment Policy be provided at a future meeting.
  - ii. **The Commission voted to approve the recommendation to delete the last sentence: “No transfer of funds shall be made without previous approval of the City Council” and replacing it with: “The transfer of funds shall be made in accordance with the Budget Amendment Policy adopted by resolution of City Council.”**

**APPENDIX D (Continued)**  
**CANANDAIGUA CHARTER COMMITTEE REVIEW**  
**Wednesday, October 12, 2016**

- b. City staff recommended moving §14.12 (a) to Chapter 7 of the Charter as the City Assessor certifies the assessment roll and forwards to the County electronically.
  - i. **The Commission voted to approve the recommendation.**
- c. The Commission discussed the reference to State property taxes made in several different section of Chapter 14. There currently are no NYS property taxes.
  - i. **The Commission voted to remove all references to State property taxes.**
- d. The Commission reviewed the tax lien sale and redemption process §14.15-14.18. The Commission agreed that the current language in the Charter is confusing and needs to be clarified. In order to re-draft the Commission discussed the various scenarios of property owners redeeming the property and transferring the property to the lien holder or the City.
  - i. **The Commission voted that a property owner does not need to pay the current year taxes to redeem the tax lien. If the current year taxes are unpaid the tax lien will be sold at action on the 3<sup>rd</sup> Friday in December.**
  - ii. **The Commission voted that any surplus amounts (difference between the tax lien bid and the total taxes and interest due) would be returned to the lien holder (bidder)**
  - iii. **The Commission voted that in order for a property to be transferred to a lien holder, the current taxes must be paid within 30 days of the redemption period expiration.**
    - 1. **Any surplus remaining after the current taxes are paid, would be paid to the former property owner (owner who lost his/her property).**
  - iv. The Commission did not vote, but generally consensus was that if a property was not redeemed or transferred to the lien holder, the property would be transferred to the City.
- e. Michele Smith will work with John Goodwin and Nancy Abdallah to re-draft §14.15-14.18 for the Commission's review.

**4. Other**

**5. Adjourn**

- a. The meeting was adjourned at 8:32 PM.

**APPENDIX D (Continued)**  
**CANANDAIGUA CHARTER COMMITTEE REVIEW**  
**Thursday, October 27, 2016**  
**6:00 p.m.**  
**Hurley Building Conference Room**

**Members Present:** Paul Bringewatt, Chair; Thomas Lyons, Vice-Chair; John Goodwin, Secretary; Jim Irwin;; Jadon Hoffman; Jack Chambers; Karen White

**Members Absent:** Bob Palumbo; Nick Cutri; David Whitcomb; Matt Martin

**Advisors Present:** Michele Smith

**Guests:** None

**1. Approval of Minutes from October 12, 2016 meeting**

- a. Motion made by Karen White, 2<sup>nd</sup> Jim Irwin. Approved 7-0

**2. Administrative Information**

- a. John Goodwin reported that the Budget Amendment Policy requested at the last meeting was sent via email.
- b. Paul Bringewatt reported that the County Supervisors David Baker and Rich Russell were unable to attend the meeting. As such the section of Chapter 15 related to the County Supervisors will be tabled until they can attend. Both David and Rich plan to attend the December 14<sup>th</sup> meeting.

**3. Review of Chapter 11. Corporation Counsel**

- a. There was a question as to why Appointment and Removal provisions are not separate section of Chapter 11 like other Chapters in the Charter.
- b. Michele Smith and John Goodwin will separate the two and renumber the section of Chapter 11.

**4. Review of Chapter 15 Officers and Employees Generally**

- a. Discussion on the County Supervisors tabled until December 14<sup>th</sup> when County Supervisors David Baker and Rich Russell can attend.
- b. ***The Commission approved changing the last sentence of §15.3 to the following: “Except as otherwise specifically provided by this Chapter, subordinate officers and employees shall be appointed and subject to removal by the head of the department in which they are employed appointing authority subject to the provisions of the Civil Service Law and regulations, when applicable.”***
- c. City Staff recommended changing §15.5 Conflict of Interest to the following”...or shall accept or receive ~~any~~ gratuity, in accordance with New York State Law and the City Code of Ethics, from any person...”
  - i. ***The Commission voted to approved the recommendation.***
  - ii. The Commission in discussing the recommending change in §15.5 Conflict of Interest which and had several follow-up questions:

**APPENDIX D (Continued)**  
**CANANDAIGUA CHARTER COMMITTEE REVIEW**  
**Thursday, October 27, 2016**

1. What is the State Law?
2. Do other Charters have a similar section?
3. Is there or should there be a pre-disclosure?
4. Can the Code of Ethics for the City be forwarded to the Commission?

**5. Review of Chapter 16 Claims and Actions**

- a. City Staff recommended removing the following sentence from §16.1 Limitation of actions against the City: “The Clerk/Treasurer shall at the next meeting of the City Council present all such notices of claim to the City Council.”
- b. ***The Commission voted 6-0 to approved the recommendation.***

**6. Review of Chapter 17 Transitional Provisions**

- a. ***The Commission agreed that the date in §17.6 Repealer should reference the 1993 City Charter.***
- b. ***The Commission agreed that the effective date of the new charter should be January 1, 2018.***

**7. Review of Chapter 18 Separability**

- a. ***The Commission agreed that Separability is not a word and should be changed to Severability.***

**8. Review of Chapter 19 Amendment**

- a. No changes.

**9. Review of DRAFT Chapter 14**

- a. The Commission reviewed the draft language prepared by Michele Smith and was in general agreement with the process as outlined.
- b. The Commission discussed open items from the previous meeting:
  - i. ***The Commission voted 6-0 that the City may elect not to take possession of a property or tax lien.***
  - ii. ***The Commission voted 6-0 that a lien holder must pay the current taxes in order for the property to be transferred to him/her.***

**10. Other**

- a. Paul Bringewatt outlined the next steps for the Charter Commission. At the December 14<sup>th</sup> meeting the Commission will:
  - i. Review §15.1 with the County Supervisors
  - ii. Review the entire Charter with all of the proposed revisions and discussed remaining open items.
  - iii. Plan a public education campaign.

**11. Adjourn**

- a. Meeting adjourned at 7:25 PM

**APPENDIX E  
PLANNED UNIT DEVELOPMENT (PUD) COMMITTEE**

**Thursday, October 20, 2016**

**7:00 p.m.**

**Hurley Building Conference Room**

**Committee:** David Whitcomb, Chairman; Ellen Polimeni, Nick Cutri; James Terwilliger, Anita Twitchell, Matt Martin

**Absent:** Robert O'Brien, Karen White, Cindy Wade

**Staff:** Ted Andrzejewski; John Goodwin; Michele Smith; Jim Sprague; Mark Marentette; Jim Sprague

1. **Pinnacle North: Consistency Analysis** – Developer represented by Jerry Goldman, Kevin Morgan, Todd Morgan, David Hanlon, and Dave Cox.

Jerry Goldman provided review of prior approval and described requested modifications. Provided a revised consistency analysis with adjustments to their analysis. The Developer has reduced the amount of commercial square footage in Bldg. D from 8,000sf to 2600sf. but maintained the amount of commercial space everywhere else in the plan.

Looking at Phase I, Phase II and Phase IIIA, (which covers the current construction and the proposed new Phase II) the commercial square footage is being reduced from total sq. footage from 42,000 to 36,600, or a difference of only -13%. Commercial portion still fronts Lakeshore drive and frames the proposed courtyard. All other aspects of the project remain the same.

If the Council finds this to be consistent, the revised Phase II still needs to be reviewed by the City Planning Commission for site plan review. If not consistent then the matter needs to come back in its entirety for Council amendment to sketch plan.

Mayor thinks that their revised proposal is a good compromise from original proposal with much better analysis – supported by all council members in attendance.

Motion to find the proposed Revised Pinnacle North Phase I/II (dated Oct. 20, 2016) plan to be consistent with the original approval made by Matt Martin, 2<sup>nd</sup> by Anita Twitchell.

Vote 6-0.

**RESOLUTION needed**

2. **Lisk Property – 243 Gorham Street** -Don Lasher gave presentation of proposed concept and general ideas. General discussion by committee and support by Council members in attendance. No action at this time.

At the City Council's December 10, 2015 meeting Don Lasher of Capstone Real Estate Development, LLC. (Capstone), presented his plans to purchase and redevelopment the former Lisk Property located at 243 Gorham Street into a mixed use development with residential, retail, office and light manufacturing. Since that time, the property was purchased by Capstone. City staff has met with Mr. Lasher twice to discuss the development and how to proceed. In order to develop the property as presented in December 2015, the area will require re-zoning. Currently, the area is zoned M-1 Light Manufacturing. Mr. Lasher would like to re-zone the area as a PUD and has requested to present conceptual plans to the Committee to assist him in formulating a formal application.

Meeting was adjourned at 7:53 PM